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09/735,041	12/11/2000	Matthew A. Waller	BAV981147C	4563

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Mercari Technologies, Inc.
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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,041

Applicant(s)

MATTHEW A. WALLER ET AL

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US 5,615,109).

CLAIMS:

- I. An inventory product demand method to enable a user to analyze and redistribute product assortment demand when adding a target product to an assortment of products based on specified user criteria, said method comprising:
 - (a) determining at least one target product to add to said assortment of products;/abstract;col 1, L45-55
 - (b) estimating an initial demand for said target product;/col 3, L33-53
 - (c) determining a percentage of target product demand, which will be realized via diminished demand for said products;/abstract; col 3, L33-55
 - (d) determining at least one contributing focus product within said product assortment that will contribute to demand for said target product;/abstract (profit max. requisition set as target product)

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(e) determining a product addition redistribution model by which the amount of demand contributed by each said contributing focus product will be analyzed;

/abstract; col 1, L7-15, L33-59

(f) Eder teaches communicating said target product, said estimated initial demand for said target product, said percentage of target product demand realized via diminished demand, said contributing focus product, and said determined product addition redistribution model in any sequence or combination thereof to a product demand computer./abstract; col 3, L33-55; col 5, L5-17.

However, Eder does not explicitly disclose percentage.

Official notice is taken that this percentage feature is old and well known in the marketing art and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this percentage feature for a robust marketing analysis and inventory control feedback.

(g) performing a product redistribution demand analysis within said computer to thereby obtain a revised product set including said target product and redistributed demand for said focus and target products; and/ abstract; col 1, L7-15, L33-59

(h) communicating said revised product set and redistributed demand to a user./ col 1, L7-15, L33-59

2. The method of claim 1 wherein said communicating to said product demand computer is facilitated via a first

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communication to a database communicably attached to said computer./fig 2(90)

3. The method of claim 1 wherein said communicating to a user is facilitated via a computer compatible video display device./fig 2(60),11); fig 3A(11)

4. The method of claim 1 wherein said communicating to a user is facilitated via a printed report./fig 2(60)

5. The method of claim 1 wherein said communicating to a user is facilitated via storage of said revised product set and redistributed demand as a data file capable of user access and interpretation./fig3A(all)

6. The method as recited in claim 1 wherein said method further comprises facilitating multiple user access, viewing and contingent control of said method execution via a computer compatible communications network./fig 1

7. The method as recited in claim 1 wherein said determining of at least one contributing focus product is determined by choosing from the group of product determination options including:

(a) all items in the same brand, subsegment, segment and category as the target product;/abstract(set as category); col 2, L7-20

(b) all items in the same subsegment, segment and category as the target product;/col 2, L24-54

(c) all items in the same segment and category as the target product;/ col 5, L4-16

(d) all items in the same category as the target product; and/col 5, L4-16

(e) a user specified selection of products./ col 7, L18-22

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8. The method as recited in claim 1 wherein said determination of a redistribution model is made by choosing from a group of model determination options including:

(a) a model which factors the inverse proportion of each focus product's price to the maximum price of selected focus products;/ abstract; col 5, L4-

16(discounts create inverse proportion); col 6, L63 to col 7, L7

(b) a model which factors the proportion of each focus product's demand to the total demand of selected focus products;/abstract; col 5, L48-54; col 7, L23-

55

(c) a model which factors the proportion of each focus product's value to the total value of selected focus products;/col 1, L32-56; col 5, L4-17

(d) a model which factors the proportion of each focus product's revenue contribution to the total revenue contribution of selected focus products;/abstract; col 1, L32-56; col 5, L4-17

(e) a model which factors equal proportions for each focus product;/ col 5, L4-17(combination subsumes equal proportions)

(f) a model which factors the similarity in price between a target product and focus products; and/ col 1, L 32-56; col 5, L4-17

(g) a model which factors the similarity in value between a target product and focus products./ col 1, L 32-56; col 5, L4-17

9. An inventory product demand method to enable a user to analyze and redistribute product assortment demand when deleting a target product from an assortment of products based on specified user criteria, said method comprising:

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- (a) determining at least one target product to be deleted from said assortment of products;/abstract; col 1, L 32-56; col 5, L4-17
- (b) determining a percentage of target product demand that will be reallocated to remaining products in the absence of said target product;/ col 5, L4-17
- (c) determining at least one benefiting focus product within said product assortment that will receive demand as a consequence of said target product's deletion; / abstract; col 1, L 32-56; col 5, L4-17
- (d) determining a product deletion redistribution model by which the amount of demand contributed to each benefiting focus product will be analyzed; / col 1, L 32-56;
- (e) communicating said determined target product, said percentage of target product demand that will be reallocated to remaining products in the absence of said target product, said benefiting focus product within said product assortment that will receive demand as a consequence of said target product's deletion and said determined deletion redistribution model in any sequence or combination thereof to a product demand computer;/ col 1, L 32-56; col 5, L4-17
- (f) performing a product deletion redistribution demand analysis within said computer to thereby obtain a revised product set and redistributed demand for said focus products; and/ col 1, L 32-56; col 5, L4-17
- (g) communicating said revised product set and redistributed demand to a user./fig 2(all),fig 3A(all)

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10. The method of claim 9 wherein said communicating to said product demand computer is facilitated via a first communication to a database communicably attached to said computer./refer to cl 2
11. The method of claim 9 wherein said communicating is facilitated via a computer compatible video display device./refer to cl 3
12. The method of claim 9 wherein said communicating is facilitated via a printed report./refer to cl 4
13. The method of claim 9 wherein said communicating is facilitated via a data file capable of user access and interpretation./refer to cl 5
14. The method as recited in claim 9 wherein said method further comprises facilitating multiple user access, viewing and contingent control of said method execution via a computer compatible communications network./refer to cl 6
15. The method as recited in claim 9 wherein said determining at least one benefiting focus product is made by choosing from the group of product determination options including:
 - (a) all items in the same brand, sub segment, segment and category as the target product;/refer to cl 7
 - (b) all items in the same sub segment, segment and category as the target product;/ refer to cl 7
 - (c) all items in the same segment and category as the target product;/ refer to cl 7
 - (d) all items in the same category as the target product;/ refer to cl 7
 - (e) a user specified selection of products; and/ refer to cl 7

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(f) Eder does not explicitly disclose items selected based on consumer switching behavior. Official notice is taken that this switching behavior feature is old and well known in the marketing research art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this consumer switching behavior feature for the advantage of meeting customer demand and thus maximizing profits.

16. The method as recited in claim 9 wherein said determination of a product deletion redistribution model is made by choosing from the group of product deletion redistribution models including:

- (a) a model which factors the inverse proportion of each focus product's price to the maximum price of selected focus products;
- (b) a model which factors the proportion of each focus product's demand to the total demand of selected focus products;
- (c) a model which factors the proportion of each focus product's value to the total value of selected focus products;
- (d) a model which factors the proportion of each focus product's revenue contribution to the total revenue contribution of selected focus products;
- (e) a model which factors equal proportions for each focus product;
- (f) a model which factors the similarity in price between a target product and focus products; and
- (g) a model which factors the similarity in value between a target product and focus products./ ALL the above refer to claim 8

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17. A computer readable medium encoded with a computer program to analyze and project a redistributed product assortment demand when adding a target product to an assortment of products based on specified user criteria comprising:

- (a) a code segment for allowing user specification of at least one target product to add to said assortment of products;
- (b) a code segment for allowing user specification of an initial demand for said target product;
- (c) a code segment for allowing user specification of percentage of target product demand realized via diminished demand for said products;
- (d) a code segment for allowing user specification of at least one contributing focus product within said product assortment that will contribute to demand for said target product;
- (e) a code segment for allowing user specification of a product addition redistribution model by which the amount of demand contributed by each said contributing focus product will be analyzed;
- (f) a code segment for communicating said target product, said estimated initial demand for said target product, said percentage of target product demand realized via diminished demand, said contributing focus product, and said determined product addition redistribution model in any sequence or combination thereof to a product demand computer;

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- (g) a code segment for performing a product redistribution demand analysis within said computer to thereby obtain a revised product set including said target product and redistributed demand for said focus and target products; and
- (h) a code segment for communicating said revised product set and redistributed demand to a user./ALL the above refer to claim 1

18. The computer program as recited in claim 17 wherein said program further comprises facilitating multiple user access, viewing and contingent control of said method execution via a computer compatible communications network./refer to claim 6

19. The computer program as recited in claim 17 wherein said determining of at least one contributing focus product within said product assortment that will contribute to demand for said target product is determined by choosing from a group of product determination options including:

- (a) all items in the same brand, subsegment, segment and category as the target product;
- (b) all items in the same subsegment, segment and category as the target product;
- (c) all items in the same segment and category as the target product;
- (d) all items in the same category as the target product; and
- (e) a user specified selection of products./ALL the above refer to claim 7

20. The computer program as recited in claim 17 wherein said determination of a redistribution model by which the amount of demand contributed by each

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said contributing focus product will be analyzed is determined by choosing from a group of model determination options including:

- (a) a model which factors the inverse proportion of each focus product's price to the maximum price of selected focus products;
- (b) a model which factors the proportion of each focus product's demand to the total demand of selected focus products;
- (c) a model which factors the proportion of each focus product's value to the total value of selected focus products
- (d) a model which factors the proportion of each focus product's revenue contribution to the total revenue contribution of selected focus products;
- (e) a model which factors equal proportions for each focus product;
- (f) a model which factors the similarity in price between a target product and focus products;
- (g) a model which factors the similarity in value between a target product and focus products./ALL the above refer to claim 8

21. A computer readable medium encoded with a computer program to analyze and project a redistributed product assortment demand when deleting a target product from an assortment of products based on specified user criteria, said method comprising:

- (a) a code segment for allowing user specification of at least one target product to be deleted from said assortment of products;

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- (b) a code segment for allowing user specification of percentage of target product demand that will be reallocated to remaining products in the absence of said target product;
- (c) a code segment for allowing user specification of at least one benefiting focus product within said product assortment that will receive demand as a consequence of said target product's deletion;
- (d) a code segment for allowing user specification of a product deletion redistribution model by which the amount of demand contributed to each benefiting focus product will be analyzed;
- (e) a code segment for communicating said determined target product, said percentage of target product demand that will be reallocated to remaining focus products in the absence of said target product, said benefiting focus products within said product assortment that will receive demand as a consequence of said target product's deletion and said determined deletion redistribution model in any sequence or combination thereof to a product demand computer;
- (f) a code segment for performing a product deletion redistribution demand analysis within said computer to thereby obtain a revised product set and redistributed demand for said focus products; and
- (g) a code segment for communicating said revised product set and redistributed demand to a user to enable the user to optimize said revised product set./ALL the above refer to cl 1

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22. The computer program of claim 21 wherein said program method further comprises facilitating multiple user access, viewing and contingent control of said method execution via a computer compatible communications network./refer to cl 6

23. The computer program of claim 21 wherein the determining of a benefiting focus product within said product assortment that will receive demand as a consequence of said target product's deletion is facilitated by choosing from a group of product determination options including:

- (a) all items in the same brand, subsegment, segment and category as the target product;
- (b) all items in the same subsegment, segment and category as the target product;
- (c) all items in the same segment and category as the target product;
- (d) all items in the same category as the target product; and
- (e) a user specified selection of products; and
- (f) items selected based on consumer switching behavior./ALL the above refer to cl 7

24. The computer program of claim 21 wherein said determination of a product deletion redistribution model facilitated by choosing from a group of model determination options including:

- (a) a model which factors the inverse proportion of each focus product's price to the maximum price of selected focus products;

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- (b) a model which factors the proportion of each focus product's demand to the total demand of selected focus products;
- (c) a model which factors the proportion of each focus product's value to the total value of selected focus products;
- (d) a model which factors the proportion of each focus product's revenue contribution to the total revenue contribution of selected focus products;
- (e) a model which factors equal proportions for each focus product;
- (f) a model which factors the similarity in price between a target product and focus products; and
- (g) a model which factors the similarity in value between a target product and focus products./ALL the above refer to cl 8

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak



6/26/04



HANI M. KAZIMI
PRIMARY EXAMINER